

Based upon its own observations of Defendant and its review of the record in this case, including the conclusions set forth in Dr. Buigas’ Forensic Evaluation, the Court finds that Defendant is not “presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(d); *see Nguyen v. Reynolds*, 131 F.3d 1340, 1346 (10th Cir. 1997) (“Competence to stand trial requires that a defendant have ‘sufficient present ability to consult with his lawyer with a reasonable degree of

rational understanding' and 'a rational as well as factual understanding of the proceedings against him.'") (quoting *Dusky v. United States*, 362 U.S. 402, 402 (1960)).

Neither Defendant's demeanor nor his conduct in open court provides any evidence of mental incompetency. Dr. Buigas' Forensic Evaluation, to which the parties have stipulated, is consistent with the Court's observations. Dr. Buigas' opinion and observations reinforce the Court's own determination that there is no evidence indicating that Defendant suffers from any mental condition that would impair his ability to understand the nature and consequences of the proceedings against him or to properly assist in his own defense. Accordingly, the Court finds that Defendant is competent to stand trial in this case.

IT IS SO ORDERED this 8th day of April, 2008.



James H. Payne
United States District Judge
Eastern District of Oklahoma